

Applicant : Daniel M. Lafontaine
Serial No. : 10/786,322
Filed : February 25, 2004
Page : 5 of 6

Attorney's Docket No.: 10527-437002 / 00-0301-CON

REMARKS

This paper responds to the non-final office action of August 25, 2005. Claims 43-58 are pending, and each stands rejected in the office action. Claims 45, 48, 51, 53, and 56 have been cancelled to advance prosecution.

The Applicant discusses below why each pending claim is in condition for immediate allowance, and respectfully requests that the pending claims be allowed to issue.

Rejections Pursuant to 35 U.S.C. § 102 over Jahns

Claims 43-46, 48, 51-53, and 55-57 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jahns et al. (U.S. Pat. 6,558,382). Claims 43, 52, and 55 are the independent claims of this group.

Without acquiescing in the rejection as presented, and in order to advance prosecution, the Applicant submits herewith a Declaration of Daniel Lafontaine under 37 C.F.R. § 1.131. The Lafontaine Declaration indicates that the inventions of at least claims 43, 44, 52, and 55 were conceived in this country before the filing date of Jahns. As for the remaining rejected non-cancelled claims (claims 46 and 57), the Office Action does not rely on Jahns as disclosing those limitations. Applicant notes that those claims add to the claims on which they depend by identifying the structural arrangement of the parts of the device (for claim 46) or an added act in the method of monitoring temperature (for claim 57). Thus, Jahns does not qualify as prior art to these claims. As a result, Applicant requests immediate allowance of claims 43, 44, 46, 52, 55, and 57.

Rejections under 35 U.S.C. § 103 over Jahns in view of Joye et al.

The Examiner rejected claims 47, 49-50, 54, and 58 under 35 U.S.C. § 103 over Jahns in view of Joye et al. (U.S. Pat. 6,355,029).

Without acquiescing in the rejections as presented, and in order to advance prosecution, Applicant notes that the Lafontaine Declaration indicates that the inventions of the claims above in at least claims 43, 44, 52, and 55 were conceived in this country before the filing date of

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Page : 6 of 6

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Jahns. With respect to the rejected claims, the Office Action does not rely on Jahns as disclosing anything more than is shown in claims 43, 44, 52, and 55. Therefore, Jahns is not prior art to these claims. The Office Action also does not rely on Joye as disclosing all of the features of any of these claims. As a result, Applicant respectfully submits that each of claims 47, 49-50, 54, and 58 is patentable.

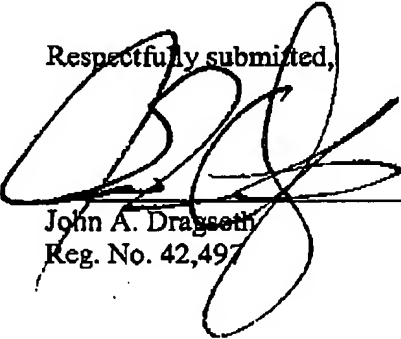
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Date: 2-16-06

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